IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15064 of 2004

Between:

The Viswas Vikas Consumers Mutually Aided Co-Operative Stores Limited, formerly known as the Viswas Vikas-
Consumers Co-Operative Stores Limited, Navanirman Nagar Colony, Road No.71,
Jubilee Hills, Hyd, rep. by its President Sri M. Shanthi Babu R/o. 29-393, Keshavnagar, Neredment, Secunderabad.

.... PETITIONER

AND

1 The District Co-Operative Officer, Hyderabad (Urban), Hyderabad.
2 The Station House Officer, Jubilee Hills P.S., Hyderabad.
3 Bureau of Economics and Statistics Employees Co-Operatie Housing Society Ltd,(Regd.NO.TAB-156)
rep. by its President, Sri C. Subba Rao, Road No.71, Jubilee Hills, Hyderabad.
4 Navaniraman Nagar Welfare Association (Regd. No. 5068 of 94) rep. by its President, Road No. 71, Jubilee Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, order of Directions essentially in the nature of Writ of Mandamus declaring that the action of the Respondent NO.1 in issuing the impugned proceedings contained in Rc.No.3849/98-Hsg., Dt. 19.7.2004 directing the petitioner society to maintain status-quo as to the utilization of the building constructed by the Petitioner Society in their land leased by the Respondent No.3 herein in favour of the Petitioner Society in Navanirman Nagar Colony and also interference of the Respondent No.2 by seizing the keys of the building on the complaint of the Respondent No.4 as bad, illegal and arbitrary and consequently declare that the petitioner herein is entitled to use the said building bearing Municipal Nos. 8-2-293/82/BE/N-1, 8-2-293/82/BE/N-2 and 8-2-293/82/BE/N-3 constructed by the petitioner Society in their land leased out by the Respondent NO.3 Society in favour of the Petitioner Society for a period of 30 years, and pass.

Counsel for the Petitioner: MR.R.PREM SAGAR

Counsel for the Respondent No.1: GP FOR COOPERATION

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation appearing for the first respondent.

Petitioner, which is a society registered under the Andhra Pradesh Mutually Aided Cooperative Societies Act, 1995, filed this writ petition seeking a declaration that the order of the first respondent dated 19.07.2004 directing the petitioner-Society to maintain status quo as to the utilization of the building constructed by the petitioner-Society in the land leased out to it and also interference by the second respondent, is arbitrary and illegal.

A perusal of the impugned order dated 19.07.2004 shows that the Divisional Cooperative Officer, Secunderabad Division submitted a report stating that the petitioner Society in whose favour the building constructed on the open land belonging to the 3rd respondent Society was leased out in the year 1995 failed to utilize the building for the purpose for which it was leased out and that both the societies have committed breach of conditions of lease. In pursuance thereof, the first respondent while directing that an inspection shall be conducted under Section 52 of A.P. Co-operative Societies Act, 1964 and a report shall be submitted within thirty days, ordered that till then Status Quo shall be maintained by both the petitioner Society and the 3rd respondent Society on the utilization of the building constructed on the open land of the Society.

The grievance of the petitioner is that the first respondent having passed the order of status quo, failed to take any further steps so far and in the meanwhile since the petitioner society has been prevented from making use of the building, it is put to lot of hardship. The learned Counsel for the petitioner has vehemently contended that the lease in favour of the petitioner society was duly approved by the 1st

respondent in the year 1996 itself and that the 3rd respondent has also extended the lease upto 31-12-2035 and that the impugned action initiated against the petitioner is only at the instance of the members of the 4th respondent Society who are making attempts to grab the building constructed by the petitioner by one way or other.

Having regard to the facts and circumstances of the case and particularly keeping in view the fact that the matter involves several disputed questions of fact, I am not inclined to express any opinion on the merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to complete the enquiry initiated under the proceedings dated 19-07-2004 in respect of the utilization of the building constructed on the land leased out by the 3rd respondent society and to pass appropriate orders in accordance with law after affording due opportunity to all the parties concerned as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

Writ petition is according disposed of. No costs.

_____

25-08-2004

Note : Issue C.C. in three days

B/o

Klp

To

1 The District Co-Operative Officer, Hyderabad (Urban), Hyderabad.
2 The Station House Officer, Jubilee Hills P.S., Hyderabad.
3 Bureau of Economics and Statistics Employees Co-Operatie Housing Society Ltd,(Regd.NO.TAB-156)
rep. by its President, Sri C. Subba Rao, Road No.71, Jubilee Hills, Hyderabad.
4 Navaniraman Nagar Welfare Association (Regd. No. 5068 of 94) rep. by its President, Road No. 71, Jubilee Hills, Hyderabad.

5 2CCs to G.P. for Co-operation, High Court buildings, Hyderabad(OUT).

6 2CD copies